

### **EXAMINER'S AMENDMENT**

Applicant's response filed on 14 October 2009 is acknowledged and entered.

Currently, claims 26 and 27 are pending and under consideration.

#### **Withdrawal of Objections and Rejections:**

The nonstatutory double patenting rejection of claims 26 and 27 as being unpatentable over claims 1 and 4 of U.S. Patent No. 6,476,197 is withdrawn in view of the terminal disclaimer filed on 14 October 2009. The terminal disclaimer has been recorded.

#### **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Allen Yun on 16 February 2010.

The application has been amended as follows:

Claim 26: the content has been replaced by the following:

-- 26. An isolated variant of interferon-gamma (IFN- $\gamma$ ) production inducing protein, also known as IGIF and IL-18, which IFN- $\gamma$  production inducing protein has the amino acid sequence of SEQ ID NO:2, where the Xaa in SEQ ID NO:2 is Met or Thr, wherein said variant thereof has the amino acid sequence of SEQ ID NO:2 except that, (i) one or two amino acids in SEQ ID NO:2 are replaced with other amino acids, or (ii) one or more amino acids are added to the N- and/or C-terminus in the amino acid sequence of SEQ ID NO:2, while retaining IFN- $\gamma$  production inducing ability, said variant inducing IFN- $\gamma$  production when administered to mouse and rat, exhibiting a single protein band when electrophoresed on sodium dodecylsulfate

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polyacrylamide gel electrophoresis (SDS-PAGE), and having a molecular weight of 19,000±5,000 daltons on gel filtration and SDS-PAGE. --

Claim 27: line 3, the words -- variant of -- is added after “the isolated”.

**Conclusion:**

Claims 26 and 27 are allowed.

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**Advisory Information:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dong Jiang whose telephone number is 571-272-0872. The examiner can normally be reached on 9:30 am - 7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dong Jiang/  
Primary Examiner, Art Unit 1646  
2/16/10